

**REMARKS**

Claims 1-35 were pending in the Application prior to the outstanding Office Action. With this Amendment, claims 1-15 and 31-35 remain in the case.

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a). The drawings must show every feature of the invention specified in the claims.

The Examiner has rejected claims 24-27 and 30 under 35 U.S.C §112, first paragraph, as failing to comply with the enablement requirement.

The Examiner has rejected claims 19-30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has canceled claims 16-32 to obviate the above rejections and objections and facilitate prosecution of his application. However, applicant retains the option of pursuing any of these rejected claims in a continuing patent application.

The Examiner has rejected claims 1, 2 and 19 under 35 U.S.C. §102(b) as being anticipated by Roderick et al. (US 4,233,085).

The Examiner has rejected claims 3-7 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085) in view of Berman et al. (US 4,663,495).

The Examiner has rejected claims 8, 9, 12, 31, 32 and 35 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085) in view of Catella et al. (US 4,611,090).

The following five rejections are presumably under 35 U.S.C. §103(a).

The Examiner has rejected claim 24 as being unpatentable over Roderick et al. (US 4,233,085) in view of Pendley (US 7,069,704).

The Examiner has rejected claim 25 as being unpatentable over Roderick et al. (US 4,233,085) in view of Shugar et al. (US 6,702,370).

The Examiner has rejected claim 26 as being unpatentable over Roderick et al. (US 4,233,085) in view of Kravitz et al. (US 4,106,952).

The Examiner has rejected claim 27 as being unpatentable over Roderick et al. (US 4,233,085) in view of Scott (US 6,367,573).

The Examiner has rejected claim 30 as being unpatentable over Roderick et al. (US 4,233,085) in view of McCalley (US 6,415,557).

The Examiner has rejected claims 10, 13 and 33 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085), Catella et al. (US 4,611,090), as applied to claims 8 and 31, and in further view of Berman et al. (US 4,663,495).

The Examiner has rejected claims 11 and 34 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085), Catella et al. (US 4,611,090), as applied to claims 8 and 31 above, and in further view of Yamawaki et al. (US 6,489,552).

The Examiner has rejected claims 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085) in view of Blieden et al. (US 4,153,813).

The Examiner has rejected claims 15, 17, 18, 20, 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085) in view of McDonough et al. (US 6,606,823).

The Examiner has rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085) in view of Nakajima et al. (JP 10002063).

The Examiner has rejected claims 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over Roderick et al. (US 4,233,085) in view of West et al. (US 7,099,169).

#### The Cited Art

The **Roderick** patent discloses in figures 1 and 4 a solar panel module 10 comprising a frame 14 having side members 61 and cross members 60, 70 arranged to support an array of PV panels 20, identified as solar panels 52, 53, 54 in figure 4. The solar panels are held against frame 14 using holddown strips 16, 18, identified as holddown strips 64, 78 in figure 4. If the solar panels are adhesively affixed to the frame, a holddown strips are not needed. (6/4-14)

The patent to **Catella** discloses a structural support for PV modules. The embodiment of figure 5 discloses an array of 30 of support members 32. Each support member 32 includes a frame 33 having inwardly extending rib stiffeners 36 that terminate near the center at a

rectangular structure 37. Posts 43 are used to connect the support members 32 at each end of the array 32 to a base 42 at each end.

#### The Cited Art Distinguished

**Independent claim 1** is not anticipated by or obvious over by Roderick. Roderick does not disclose a supplemental panel as presently claimed. While applicant believes that claim 1 as originally written would lead one skilled in the art to conclude that a supplemental panel would be a panel other than a PV panel to provide a feature other than electricity generation, claim 1 has been amended to specifically recite this. Roderick teaches that every panel 20 is a PV panel. (2/58-62) Therefor, claim 1 is **not anticipated** by Roderick. It would not have been obvious to modify Roderick to replace PV panels with supplemental, non-PV panels because there is nothing in Roderick suggesting that it would be desirable to do so, and because Roderick specifically teaches that every panel is a PV panel. Therefor, claim 1 **would not have been obvious** over Roderick alone or in conjunction with other prior art.

**Independent claim 31** has been rejected in part over Catella. While applicant believes that the rib stiffeners 36 and rectangular structure 37 of Catella does not constitute a protective panel, claim 31 has been amended to more specifically recite what one of ordinary skill in the art would understand as characteristics of a protective panel, that is something covering the lower surface to protect it from damage. There would have been no reason to modify the cited art to arrive at the invention of claim 31 because there is no recognition of the desirability or need to do so. Accordingly, claim 31 is allowable.

The **dependent claims** are direct to specific novel subfeatures of the invention and are allowable for that reason as well as by depending from novel parent claims. For example, **claim 2** has been amended to recite purlins, beams below the purlins and generally vertical columns supporting each beam. Roderick shows no such structure. While Catella may disclose posts 43, there is nothing in Catella disclosing or suggesting a series of generally parallel purlins, beams located beneath an oriented transversely to the purlins, and generally vertical columns supporting each beam. There is nothing in the art which discloses or suggest what would need to be a complete redesign of the structure of Catella to arrive at the invention of claim 2. Accordingly, claim 2 is allowable over the cited art. **Claim 8** is allowable for the same basic reasons as independent claim 31. **Claims 11 and 34** have been amended to recite that substantially the

entire lower protective panel surface is convex. This feature is not disclosed by the cited art. It would not have been obvious to modify the rectangular terminal-box storing recess 3 of Yamawaki to be as large as the entire lower surface of the panel because it would then be much larger than necessary, that is a space for a terminal box. Accordingly, there would be **no reason to modify** the art to arrive at the invention of claims 11 and 34 so that these claims are also independently patentable over the cited art.

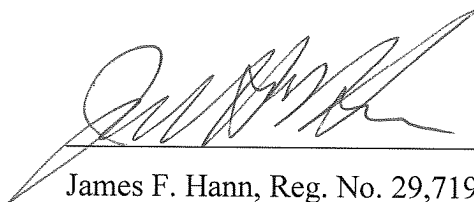
### CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (PWRL 1029-3).

Respectfully submitted,

Dated: 10 July 2007

  
James F. Hann, Reg. No. 29,719

HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
(650) 712-0340 phone  
(650) 712-0263 fax